

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-31 remain pending.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,567,703, to Thompson et al. ("Thompson") in view of U.S. Patent No. 6,101,371 to Barber et al. ("Barber"). Applicant respectfully traverses this rejection.

The claims of the present application specifically recite that the claimed MEMS device includes a sensor responsive to physiologic parameters that is formed at least in part on the surface of the substrate. In noting this element, the examiner refers to column 5, line 46 of Thompson. In reviewing Thompson, it is seen that the specifically referred to section is merely a listing of "types" of medical devices that are commercially known or contemplated. Nothing in this listing, however, states that a portion of a sensor is formed on the surface of the substrate.

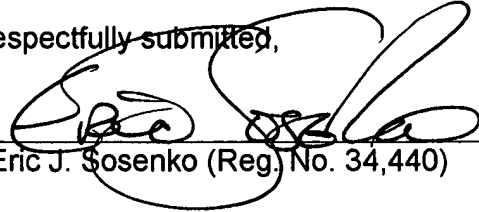
Accordingly, the Thompson reference fails to disclose the claimed feature. In that Barber also fails to disclose or suggest the feature which was previously noted as being absent in Thompson, it must be concluded that the combination of these references cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

January 24, 2005
Date

Respectfully submitted,


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Attachment: None